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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,671	12/02/2003	David S. Melton	31592-1001	5052
5179 7590 05/07/2008 PEACOCK MYERS, P.C. 201 THIRD STREET, N.W. SUITE 1340 ALBUQUERQUE, NM 87102				
EXAMINER NGUYEN, HOANG M				
ART UNIT 3748		PAPER NUMBER		
MAIL DATE 05/07/2008		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/725,671

**Applicant(s)**

MELTON ET AL.

**Examiner**

Hoang M. Nguyen

**Art Unit**

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**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 4-6, 8, 13-19, 36, 45, 46, 48, 51, 54 and 56-61 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

- 6) ☒ Claim(s) 1, 4-6, 8, 13-19, 36, 45-46, 48, 51, 54, 56-61 is/are rejected.

- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

Applicant's amendment dated April 23, 2008, has been fully considered.

Applicant has amended the claims to add two new limitations: 1) sun tracking solar panel, and 2) the output of the system is connected to a building structure. The sun tracking concept is well known in the art and a new reference, US 4371135 (Keigler) is used to reject that concept. The concept of connecting the portable power plant to a building structure is already taught in the primary reference, Walsh et al, note column 1, lines 6-12, Walsh discloses it's well known to connect solar panels with building or dwelling; on column 2, lines 24-30, Walsh et al discloses the trailer is moved from the factory next to the dwelling; on column 5, lines 19-21, Walsh discloses the connection with the dwelling. Therefore, both concepts are well known and are rejected as follows.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 9, 13-15, 19, 46, 48-49, 51, 60-61, are rejected under 35 U.S.C. 102(b) as being obvious based on US 4261329 (Walsh et al) in view of US 2002/0153178 (Limonius) and US 4371135 (Keigler).

Walsh et al discloses an energy system which can be used both on vehicle platform (126, 143, 145) the energy system uses solar energy by having adjustable

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solar cell panels 44, or to generate electricity; the concept of connecting the portable power plant to a building structure is already taught in the primary reference, Walsh et al, note column 1, lines 6-12, Walsh discloses it's well known to connect solar panels with building or dwelling; on column 2, lines 24-30, Walsh et al discloses the trailer is moved from the factory next to the dwelling; on column 5, lines 19-21, Walsh discloses the connection with the dwelling. Walsh et al does not teach the generator, a fuel storage container, batteries, and the sun tracking panel. Keigler discloses it's well known to use an electric motor 36 with sun sensor 46 and controller 40 to control the position of a solar panel 20 to track the sun direction. Limonius discloses a portable power plant in a car having solar panels 16, electric generators 68, 26, 22, 46, for generating back-up energy, batteries 48, fuel storage tank 50. It would have been obvious to provide electric generators, batteries, and fuel container in Walsh et al as taught by Limonius for the purpose of generating and storing back-up energy, and to use sun tracking system in Limonius as taught by Keigler for the purpose of more effectively tracking the sun. Also, it's well known that all portable power plants and/or vehicle/trailer have electrical outlets for operating devices outside, for example, cigarette lighters, audio system, DVD players, cell phones, air compressor to inflate tires, and many more devices. Therefore, the newly added limitations do not define over this rejection.

Claims 1, 4-8, 13-19, 45-46, 48-49, 51, 56, 58, 60-61, are rejected under 35 U.S.C. 103(a) as being obvious based on US 4553037 (Veazey) in view of US 4261329 (Walsh et al) and US 2002/0153178 (Limonius) and US 4371135 (Keigler).

Regarding claims 1, 9, 13-15, 19, 46, 48-49, 51, 56, 58, Veazey discloses a hybrid energy system which can be used both on vehicle platform (figure 6), or on boats (figures 5, 7-18), the energy system uses both solar energy and wind energy by having adjustable solar cell panels 25, or adjustable Darrieus windmill 21 to generate electricity through back-up generator 26 or to store energy in batteries 24. Veazey does not disclose the system mounted on a distinct platform from a vehicle, and the sun tracking system. Walsh et al discloses an energy system which can be used both on vehicle platform (126, 143, 145) the energy system uses solar energy by having adjustable solar cell panels 44, or to generate electricity; the concept of connecting the portable power plant to a building structure is already taught in the reference, Walsh et al, note column 1, lines 6-12, Walsh discloses it's well known to connect solar panels with building or dwelling; on column 2, lines 24-30, Walsh et al discloses the trailer is moved from the factory next to the dwelling; on column 5, lines 19-21, Walsh discloses the connection with the dwelling. Keigler discloses it's well known to use an electric motor 36 with sun sensor 46 and controller 40 to control the position of a solar panel 20 to track the sun direction. It would have been obvious to mount the system in Veazey on a separate platform from a vehicle as taught by Walsh et al for the purpose of ease of assembling/disassembling the platform, and to use the portable power plant to supply energy to a building or dwelling as taught by Keigler for the purpose of supplementing

solar energy when needed. Veazey also does not teach the generator, a fuel storage container, and batteries. Limonius discloses a portable power plant in a car having solar panels 16, electric generators 68, 26, 22, 46, for generating back-up energy, batteries 48, fuel storage tank 50. It would have been obvious to provide electric generators, batteries, and fuel container in Veazey as taught by Limonius for the purpose of generating and storing back-up energy. Regarding claims 4-6, 16, 46, Veazey discloses all the claimed subject matter as set forth above in the rejection of claim 1, but does not disclose the specific powers, different types of containers, battery box, connector...etc..... However, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to elect different types of devices as claimed in Veazey for the purpose of achieving appropriate power output, and to use sun tracking system in Veazey as taught by Keigler for the purpose of more effectively tracking the sun. Also, it's well known that all portable power plants and/or vehicle/trailer have electrical outlets for operating devices outside, for example, cigarette lighters, audio system, DVD players, cell phones, air compressor to inflate tires, and many more devices. Therefore, the newly added limitations do not define over this rejection.

Claims 17-18, 36, 54, 57, 59, are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. 4553037 (Veazey) in view of Walsh et al, Keigler, Limonius, and US 2003/0054329 (Springett). Veazey as modified discloses all the claimed subject

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matter as set forth above in the rejection of claim 1, but does not disclose the communication system having satellite dish. Springett discloses it's well known for a portable power plant on a vehicle platform to have a satellite dish (column 2). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to provide a satellite dish in Veazey as taught by Springett for the purpose of communicating with other facilities if needed.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Examiner Nguyen whose telephone number is (571) 272-4861. The examiner can normally be reached on Tuesday--Friday from 12:30 AM to 10:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas E. Denion can be reached on 571-272-4859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Hoang M Nguyen/  
Primary Examiner, Art Unit 3748

HOANG NGUYEN  
PRIMARY EXAMINER  
ART UNIT 3748

Hoang Minh Nguyen  
5/7/2008